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11 Attorneys for Nominal Defendant APPLE INC. and Defendants
12 TIMOTHY D. COOK, WILLIAM V. CAMPBELL, MILLARD
13 DREXLER, ARTHUR D. LEVINSON, ROBERT A. IGER,
14 ANDREA JUNG and FRED D. ANDERSON

15 [Additional Counsel Listed on Signature Page]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

R. ANDRE KLEIN, on behalf of himself
and all other stockholders of APPLE INC.,

Plaintiff,

vs.

TIMOTHY D. COOK, WILLIAM V.
CAMPBELL, MILLARD ("MICKEY")
DREXLER, ARTHUR D. LEVINSON,
ROBERT A. IGER, ANDREA JUNG,
FRED D. ANDERSON, ESTATE OF
STEVEN P. JOBS, deceased, and DOES 1-
30, inclusive,

Defendants

-and-

APPLE INC., a California corporation,

Nominal Defendant.

Case No. 5:14-cv-03634-EJD

**STIPULATION AND [PROPOSED]
ORDER REGARDING SCHEDULING
MATTERS**

STIPULATION

Nominal defendant Apple Inc. (“Apple”), defendants Timothy D. Cook, William V. Campbell, Millard Drexler, Arthur D. Levinson, Robert A. Iger, Andrea Jung and Fred D. Anderson (collectively with Apple, “Defendants”), and plaintiff R. Andre Klein (“Plaintiff”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, on August 11, 2014, Plaintiff filed a Verified Shareholder Derivative Complaint (the “Complaint”) against Defendants and the Estate of Steven P. Jobs;

WHEREAS, Plaintiff has limited the claims alleged in the Complaint against the Estate of Steven P. Jobs to the limits of coverage provided by applicable directors and officers insurance liability policies which provided coverage for claims against Steven P. Jobs while Jobs was employed at nominal defendant Apple Inc.;

WHEREAS, because of the nature of Plaintiff’s claims asserted against the Estate of Steven P. Jobs, Plaintiff must serve the summons and Complaint on all the insurance companies which provided the directors and officers insurance liability policies to Jobs during the relevant time period; there are at least eight such insurance companies;

WHEREAS, on September 16, 2014, Defendants agreed to waive service of summons;

WHEREAS, Plaintiff requested that Defendants’ counsel accept service of the summons and Complaint on behalf of the Estate of Steven P. Jobs, but Defendants’ counsel was not able to obtain authorization to accept service;

WHEREAS, on October 28, 2014, the Court entered an order extending Defendants’ time to respond to the Complaint to November 26, 2014, to allow Plaintiff to serve the Estate of Steven P. Jobs and so an attempt may be made to set a uniform response date for all defendants, once the Estate of Steven P. Jobs is served;

WHEREAS, on November 25, 2014, the parties agreed to extend Defendants’ time to respond to the Complaint to December 19, 2014;

WHEREAS, Plaintiff is still in the process of serving the summons and Complaint on all of the insurance companies; and

WHEREAS, the parties have met and conferred and agree that an extension of time for

Defendants to respond to the Complaint is appropriate so that a uniform response date and briefing schedule for any motions directed at the Complaint can be set.

NOW, THEREFORE, it is hereby agreed to and stipulated by Defendants and Plaintiff, through their respective counsel of record and subject to Court approval, as follows:

1. Defendants' time to respond to the Complaint shall be extended to January 9, 2015.
2. In the event that Defendants file any motions directed at the Complaint, Plaintiff's opposition brief shall be filed by February 10, 2015.
3. Defendants reply brief shall be filed by February 24, 2015.

IT IS SO STIPULATED.

Dated: December 19, 2014

GEORGE A. RILEY (S.B. No. 118304)
MICHAEL F. TUBACH (S.B. No. 145955)
O'MELVENY & MYERS LLP

By: /s/ Michael F. Tubach

Michael F. Tubach
Attorneys for Nominal Defendant APPLE
INC. and Defendants TIMOTHY D. COOK,
WILLIAM V. CAMPBELL, MILLARD
DREXLER, ARTHUR D. LEVINSON,
ROBERT A. IGER, ANDREA JUNG and
FRED D. ANDERSON

Dated: December 19, 2014

BOTTINI & BOTTINI, INC.
FRANCIS A. BOTTINI, JR. (S.B. No. 175783)
ALBERT Y. CHANG (S.B. No. 296065)
YURY A. KOLESNIKOV (S.B. No. 271173)

By: /s/ Francis A. Bottini, Jr.

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Attorneys for Plaintiff R. ANDRE KLEIN

* * *

[PROPOSED] ORDER

The above stipulation having been considered and good cause appearing, IT IS SO ORDERED.

Defendants' time to respond to the Complaint shall be extended to January 9, 2015. In the event that Defendants file any motions directed at the Complaint, Plaintiff's opposition brief shall be filed by February 10, 2015. Defendants' reply brief shall be filed by February 24, 2015.

DATED: _____

THE HONORABLE EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE

I, Michael F. Tubach, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Francis A. Bottini, Jr. has concurred in this filing.

By: /s/ Michael F. Tubach

Michael F. Tubach